

1 | traditionally been true in the private services?

2 |       A     Yes. That hasn't really changed over time.

3 |       Q     But the for profit nature of the entities that got  
4 | these stations, that's a relatively recent development?

5 |       A     Oh, yes, and it --

6 |           JUDGE CHACHKIN: When was that established?

7 |           MR. PETERS: It sort of evolved. I truly do not  
8 | know the year. It's been several years. I was out writing  
9 | computer programs when, when a lot of this was going on so I'm  
10 | not -- I don't know.

11 |           BY MR. HARDMAN:

12 |       Q     All right. Well, let's, let's examine for just a  
13 | moment. So if -- in the case of the traditional shared  
14 | stations in the private services, when interference problems  
15 | came up were these typically resolved by the engineers  
16 | associated with the stations or who, who dealt with them when  
17 | they arose?

18 |       A     The licensees themselves almost universally dealt  
19 | with those problems because it typically involved listening on  
20 | the channel before you transmitted. Now, in a manual sense  
21 | that's quite easy. You -- if you hear anything coming out of  
22 | a receiver, you don't press your microphone button to talk to  
23 | your vehicle. You wait. In a paging sense you're not  
24 | listening to the channel so you have to rely on some  
25 | mechanical device to provide that information rather than your

1 ear.

2 Q What I'm, what I'm trying to get at is whether the  
3 nature of the entity that is operating under these shared  
4 channel policies as a, as a for profit entity, whether that  
5 has any impact on the manner in which these interference  
6 issues are addressed and resolved.

7 A You're -- I think what you're trying to ask me is  
8 whether there would be an incentive for an incumbent, for  
9 example, to fight as hard as they can to keep as much of their  
10 channel share as they possibly can, but that's --

11 MR. JOYCE: Objection, Your Honor. He's asking the  
12 witness to speculate about ultimate issues that -- in this  
13 case. This is starting to get ridiculous.

14 MR. HARDMAN: Well, Your Honor --

15 MR. JOYCE: He can't speculate as to the intent of  
16 the parties in this case and he's not here to testify as to  
17 the -- intent of the parties in this case. He's here as a  
18 technical witness. This is starting to get ridiculous.

19 MR. HARDMAN: What, what I'm trying to elicit, Your  
20 Honor, and I'm almost done with this, is --

21 MR. JOYCE: He hasn't been qualified as an expert on  
22 the FCC rulemaking process that led to the establishment of  
23 private carrier paging either.

24 MR. HARDMAN: What I'm trying to elicit, Your Honor,  
25 is a comparison of how -- since the witness testified that

1 the, the channel sharing policies were there first before PCs  
2 were permitted on them --

3 JUDGE CHACHKIN: I must confess that that's --  
4 before I got this case I was under the impression that that's  
5 how sharing was used, by private companies for in-house use.  
6 I didn't realize that it was for profit. I was very surprised  
7 when --

8 MR. HARDMAN: Right.

9 JUDGE CHACHKIN: I recognize in this case that this  
10 -- basically it's a common carrier service except it's in the  
11 private area but for profit.

12 MR. HARDMAN: Right, and what I'm trying to elicit  
13 from this witness based on --

14 JUDGE CHACHKIN: I think there's a question of  
15 compatibility whether you can have a for profit service on a  
16 sharing basis, whether that's compatible for a sharing  
17 concept, frankly.

18 MR. HARDMAN: I agree, Your Honor, and I was merely  
19 trying to elicit from this witness if he knew how the  
20 introduction of a for profit entity impacted the, the question  
21 of resolving interference problems which have gone on --

22 MR. JOYCE: That's beyond the scope of expertise.

23 JUDGE CHACHKIN: I'll overrule the objection. Let  
24 the witness answer.

25 MR. PETERS: In my view there -- while there have

1 | been changes in how you can operate a PCP carrier over time,  
2 | and I won't even get into those because that's somebody else's  
3 | field, technically there should not have been, and to my  
4 | knowledge there have not been, any changes in the requirements  
5 | for sharing. They're the same as they have been all along.  
6 | So that's never gone away, nor has it really substantially  
7 | changed in any way. That's -- we're really caught in an old  
8 | time dilemma where when there were a few -- very few entities  
9 | on a channel it was easy to share and there was -- nobody had  
10 | any problems and nobody was in trouble. Now we're faced with  
11 | an issue and a question that has arisen as a result of changes  
12 | elsewhere, like business. But there has not been any kind of  
13 | a change to my knowledge in the need to share channels by  
14 | whatever means are required.

15 | BY MR. HARDMAN:

16 | Q Well, my question, though, is whether the advent of  
17 | a different type of entity being licensed under those policies  
18 | has impacted in some way the ability of the licensees to  
19 | resolve these problems amongst themselves?

20 | A I really am going to beg off that, that question, if  
21 | I may, Mr. Hardman. Were I a business, I would do whatever  
22 | means were within my power.

23 | MR. JOYCE: Objection.

24 | JUDGE CHACHKIN: All right. The witness -- go  
25 | ahead.

1 BY MR. HARDMAN:

2 Q All right. Let's go back now to Mr. Bobbitt's  
3 testimony concerning the various phases of interference, and I  
4 think we were, we were up to the last phase which I called a  
5 retransmission phase. Do you recall that testimony?

6 A I do.

7 Q And, first, do you have an opinion as to whether  
8 this phenomenon was caused by Capitol or not?

9 A I have an opinion --

10 Q Would you --

11 A -- and my opinion is that it was not caused by  
12 Capitol.

13 Q All right. Would you explain why not?

14 A There are two factors, principally two factors, but  
15 several others. One, I've worked with these people over the  
16 years and --

17 MR. JOYCE: Objection, Your Honor. We've already  
18 stricken from the, the record his testimony about whether or  
19 not he liked these people or not.

20 JUDGE CHACHKIN: Limit yourself to technical  
21 reasons.

22 MR. PETERS: That's exactly right. I'm not, I'm not  
23 -- Your Honor, I will not pat them on the back or anything  
24 else, but --

25 JUDGE CHACHKIN: Go ahead with your answer.

1           MR. PETERS: In the course of my working with these  
2 people there have been occasions in the past where they have  
3 suspected that something might not be up to FCC standards or  
4 in compliance or something, so they would call me and say what  
5 do I do? So we could go through and review all of what has  
6 happened and try to get -- they had a very healthy respect for  
7 the FCC, if not an outright fear.

8           MR. JOYCE: Objection, Your Honor.

9           JUDGE CHACHKIN: Overruled. Go ahead and testify.  
10 You have personal knowledge of his experience with the  
11 company. I'll permit that.

12           MR. PETERS: Yeah. And they hired me to clean up  
13 for the benefit of the FCC. The second issue has to do with  
14 the testimony by RAM employees concerning the Hark verifier  
15 results and the way they explained the issues about the  
16 transmitter deviation, and I alluded to that a little bit  
17 earlier in my, in my testimony, led me to believe that there's  
18 a third transmitter on the air and it also led me to believe  
19 that this type -- that this last category of, of transmission  
20 is deliberate. There's no question in my mind that this is  
21 deliberate interference.

22           JUDGE CHACHKIN: By whom?

23           MR. PETERS: Nobody knows, Your Honor. The  
24 implication all along has been that it has to be Capitol.  
25 When FCC personnel go out to investigate, and I've been with

1 | them so I know this firsthand, and when I go out to investi-  
2 | gate complaints of interference, the first thing I try and do  
3 | is source that interference. What is the source of the  
4 | interference? Is it this transmitter? Does it come from this  
5 | direction? Is it strong? There are numbers of ways of  
6 | technically arriving at where the interference source is.  
7 | We've heard nothing in this case that would link Capitol or  
8 | Capitol's transmitters or Capitol's equipment or anything of  
9 | the sort to this kind of interference. I think there was a  
10 | third transmitter and I think I know how they did it.

11 |           MR. HARDMAN: Well, that was my next question.  
12 | Would you explain then how this, how this would have happened  
13 | in your opinion?

14 |           MR. PETERS: Well, yeah. Unfortunately, none of  
15 | this information was available before the testimony occurred  
16 | last week and most of this information that I'm about to talk  
17 | about has sort of hatched in my mind since, since I've heard  
18 | the testimony. If one were to take a simple receiver and  
19 | connect it to a Hark verifier, which we've heard about  
20 | already, the Hark verifier would output digital information,  
21 | what's occurring on the channel. A simple connection between  
22 | that Hark verifier and a PC that was programmed to, to  
23 | randomly or some methodical way pick out information, it could  
24 | do this on a real time basis very easily because it's --- the  
25 | paging that goes out over a channel is much slower than the

1 computer can operate. The computer then reformats this  
2 information, puts it into a mini-terminal, small, and out to a  
3 very small transmitter. We have the input coming into a  
4 receiver on 152.51 -- this is a translator and it's very  
5 similar to a broadcast translator -- input coming in on 152.51  
6 through the Hark verifier which decodes messages, puts it out  
7 on 152.48. Now, the interesting issue here is that after  
8 having created this elaborate thing, which probably would fit  
9 on this table top easily so it could fit in a car trunk. It  
10 could be any place. The interesting thing was that it did not  
11 appear to transmit or radiate during RAM's time on the channel  
12 because I think the testimony was we had, we had RAM  
13 transmissions, we had these transmissions and we had 152.51  
14 transmissions and some portion of these 152.51 transmissions  
15 were occurring in the second slot on that channel, not --  
16 apparently -- at least I didn't hear anything that's -- that  
17 indicated that they were occurring during the time that RAM  
18 was transmitting. It occurred at some other time. By the  
19 time this interference occurred Capitol had already been  
20 noticed for a \$20,000 violation and in my professional  
21 judgment these people would not have risked --

22 MR. JOYCE: Objection, Your Honor. It's got nothing  
23 to do with his technical appraisal of the operation.

24 JUDGE CHACHKIN: Continue. Overruled.

25 MR. PETERS: They would not have risked going to



1 | this elaborate mechanism in light of the fact that they knew  
2 | that the FCC could be around all the time or at any time,  
3 | unnoticed or otherwise, and monitoring the sources. The  
4 | second thing that bothers me about this whole thing is that  
5 | nobody in the RAM organization -- we've heard a lot of  
6 | testimony, but nobody tried to pin down and identify the  
7 | source of the transmission. We don't have any idea where  
8 | these signals were coming from. I have a real technical issue  
9 | here that is -- in my view, has not been shown, has not been  
10 | demonstrated, that Capitol had anything to do with this type  
11 | of interference, whatever.

12 | MR. HARDMAN: I'll pass the witness.

13 | JUDGE CHACHKIN: Is the Bureau ready to proceed?

14 | MS. LADEN: Yes. Your Honor --

15 | JUDGE CHACHKIN: Do you want Mr. Joyce to proceed  
16 | first?

17 | MS. LADEN: That has been the practice. It doesn't  
18 | matter.

19 | JUDGE CHACHKIN: Well, it's up to you, the two of  
20 | you.

21 | MS. FOELAK: It doesn't matter.

22 | MR. JOYCE: Why don't I take a shot at it? Thank  
23 | you. Thank you, Your Honor.

24 | CROSS-EXAMINATION

25 | BY MR. JOYCE:

1           Q     Mr. Peters, not to seem crass, but I presume you  
2 have some kind of financial arrangement with Capitol to  
3 testify here?

4           A     They're certainly paying my bill.

5           Q     What -- was there some kind of base charge for being  
6 an expert witness?

7           A     I don't think I understand the question. You mean  
8 --

9           Q     What was your fee arrangement?

10          A     I'm not sure I know. We didn't discuss these. I  
11 mean, we have a standing -- I send them a bill and they pay  
12 me. Is that what you mean?

13          Q     So you're billing them on an hourly basis for your  
14 time? Is that fair to say?

15          A     My standard billing rates are based on an hourly  
16 time if I work 8 hours or less in a day, but if I work 24  
17 hours a day they're based on an 8 hour day.

18          Q     And what is that?

19          A     100-and-something-dollars an hour.

20          Q     And what is the something?

21          A     I don't know. I don't know. I don't do the billing  
22 in my organization. I don't know.

23          Q     I understand. I mean, not to go -- Mr. Peters, but  
24 it's not as if you don't have some bias here. You're being  
25 paid by Capitol to render an opinion? Correct?

1           A     I probably was hired --

2           Q     Mr. Peters, it's a real simple question. I presume  
3 you were -- the arrangement was we will pay you to render an  
4 opinion in this case. Isn't that true?

5           A     We will pay you to -- yes. I think that's correct.

6           Q     Thank you. And I presume Mr. Hardman didn't say to  
7 you, you know, we want you to render an opinion that says  
8 Capitol was intentionally causing interference, did he?

9           A     Mr. Hardman instructed me in no way about what  
10 opinion I should render or how I should render it.

11          Q     I see. There does seem to be a particular slant in  
12 your opinion, though, Mr. Peters. You can't help but admit  
13 that.

14          A     I am -- my slant is that I am appalled at being here  
15 in the first place.

16          Q     Well, you wouldn't be the only one, Mr. Peters.

17          A     I understand that and I appreciate it, but that is  
18 my slant, yes.

19          Q     Why didn't you tell Capitol that you didn't want to  
20 testify if you're appalled at being here?

21          A     I think that, that had I read the facts, I -- no. I  
22 have told Capitol that I'm appalled at being here. I have  
23 told them that.

24          Q     So why didn't you tell them you're not going to  
25 testify if you're appalled at being here?

1           A     Oh, no. I'm not appalled because of something that  
2 they've done. I'm appalled at something that other people  
3 have done.

4           Q     Now, you sat here off and on, and I want to clarify,  
5 you weren't here throughout the entire proceedings, were you,  
6 Mr. Peters?

7           A     I missed the last hour on Friday and I was not in  
8 attendance yesterday, Monday.

9           Q     It's not a quiz, but just so we know, you weren't  
10 here for every single piece of testimony?

11          A     That's correct.

12                JUDGE CHACHKIN: But you were here for all of RAM's  
13 witnesses, were you not?

14                MR. PETERS: Yes.

15                BY MR. JOYCE:

16          Q     Yeah. And that's what I was going to ask you about  
17 actually. I mean, you heard Dale Capehart testify? Correct?

18          A     I did.

19          Q     And you heard Ray Bobbitt testify?

20          A     Yes.

21          Q     And you heard Mr. Moyer testify?

22          A     Yes.

23          Q     All right. So you have no reason to doubt that they  
24 know what they're doing in operating a private carrier paging  
25 system, do you, based on that testimony?

1           A     I have no reason to doubt that, nor what they said.

2           Q     I mean, in fact, it would seem to laypeople at least  
3 and probably to you and your expert testimony that they --  
4 they're quite sophisticated in their understanding of the RAM  
5 paging system? Is that fair to say? You don't have to look  
6 at Mr. Hardman. You can look at me and answer.

7           A     I don't think I was looking at Mr. Hardman.

8           Q     Oh, I apologize.

9           A     That calls for a relative answer --

10          Q     Of course.

11          A     -- and, relatively speaking, they're not terribly  
12 sophisticated but they're certainly not unsophisticated. I  
13 mean, they're probably average in approach.

14          Q     Well, Ray Bobbitt testified about some fairly  
15 technical aspects of operating this system, did he not?

16          A     Yeah, but Ray Bobbitt also didn't know the deviation  
17 of his own transmitters.

18          Q     This is not a quiz, Mr. Peters. I'm just trying to  
19 establish some fundamental points here which is that -- I  
20 mean, you wouldn't say that they're, they're ranked amateurs  
21 in the paging business?

22          A     They are a successful paging operation.

23          Q     Okay. So they must at least know how to put up a  
24 paging station?

25          A     No question.

1 Q Okay. And they must at least know how to test the  
2 paging system?

3 A There's some question there.

4 Q But they --

5 A They know how to test their own paging system.

6 Q Mr. Peters, have you dealt with RAM Technologies  
7 personally?

8 A No, sir, I have not.

9 Q All right. So you have no personal knowledge of  
10 those things that you just said right now, do you?

11 A Only what I've read --

12 Q Okay.

13 A -- and that's my professional opinion based on what  
14 I've read and what I've heard in testimony, that these people  
15 -- that the degree of testing that they made of their system  
16 showed me that they really didn't care about what service area  
17 they covered or how they covered it.

18 Q Would you just stop because I haven't asked you any  
19 questions about testing.

20 A You didn't?

21 Q I just asked whether or not listening to them you  
22 would now whether or not they would know what testing is for a  
23 paging system. Okay?

24 A My answer is no.

25 Q They wouldn't know what testing is of a paging

1 system?

2 A On the basis of a simple yes, no answer, my answer  
3 is no.

4 Q But your client presumably would know?

5 A No.

6 Q Oh. So neither of them know what proper testing is  
7 for paging? Is that what you said?

8 A That is absolutely correct.

9 Q Well, that -- you don't say that anywhere in your  
10 testimony, Mr. Peters.

11 A Nobody asked me.

12 Q Nobody asked you about whether or not there was  
13 excessive testing in this case?

14 A No. I believe that there was not excessive testing.

15 Q Well, Mr. Peters, how can you make that  
16 determination unless we establish the fundamentals which is  
17 whether or not your client knows what is proper testing?

18 A Why don't you ask me what is proper testing?

19 Q I don't care about what you think personally. I  
20 care about the parties to this case, Mr. Peters, and you just  
21 testified that you don't think your client knows how to  
22 properly test a paging system. That's remarkable, is it not,  
23 Mr. Peters?

24 A Yes, indeed, it is.

25 JUDGE CHACHKIN: What do you consider to be proper

1 testing?

2 MR. PETERS: Your Honor, to, to -- the RCCs and  
3 apparently PCPs through the testimony that I've heard  
4 apparently have different ideas of what is testing. I heard  
5 that in an hour's time people can put -- install a transmitter  
6 and consider it tested. I have personally got out and tested  
7 coverage areas for days and days and days and days, and the  
8 best way to do that, in my opinion, or one of the -- certainly  
9 one of the most frequently used ways is to set up a series of  
10 paging tones, just let them repeat. And what you do is if you  
11 know that they're coming off at a particular point in time --

12 MR. JOYCE: Your Honor, I have cross-examination of  
13 this witness. May I continue?

14 JUDGE CHACHKIN: The witness can complete his  
15 question. Go ahead.

16 MR. JOYCE: That's direct testimony. That's not  
17 cross.

18 JUDGE CHACHKIN: Continue.

19 MR. PETERS: If --

20 MR. PETERS: One of the best ways is to provide a --  
21 and what, in fact, is guaranteed in most paging services is  
22 that we provide a particular percentage of completed calls  
23 over this area. And the only way to do that really is to, is  
24 to count calls and if you, if you receive nine out of ten  
25 pages in a particular point that have come across then you



1 call it 90 percent reliable service, and that's typically how  
2 we do it. Throughout this proceeding, Your Honor, I have  
3 found nothing wrong with the, with the techniques being  
4 employed, running pages out the transmitter. I mean, that's  
5 the way we historically test paging systems. Now, certainly  
6 RAM -- Capitol, being an old line RCC, would have known that,  
7 but they wouldn't have necessarily known what would give them  
8 something that's a provable quantity, a statistically valid  
9 sample, and that's what I meant when I said that they didn't  
10 know how to test.

11 MR. JOYCE: Your Honor, I would like to renew RAM's  
12 motion to withdraw from this case.

13 JUDGE CHACHKIN: At this stage after you've  
14 introduced all this testimony.

15 MR. JOYCE: I know, Your Honor, but this, this does  
16 not seem like an adversarial proceeding anymore. It seems  
17 more investigatory. It just does not seem that RAM  
18 Technologies has anything to add to this case. I don't know  
19 why the Bureau opposed our motion before. I don't know why  
20 you're kept me in because I cannot properly cross-examine  
21 witnesses. It's just --

22 JUDGE CHACHKIN: I haven't precluded you from  
23 examining the witness. I -- the witness said he didn't  
24 consider it was -- I wanted to find out what he considered to  
25 be proper testing. The witness testified to that. If at the

1 conclusion of the case, at the -- after the parties have  
2 rested, you wish to withdraw, I will reconsider your request  
3 at that point.

4 MR. JOYCE: Thank you, Your Honor.

5 BY MR. JOYCE:

6 Q Mr. Peters, in your expert testimony 24 hours a day  
7 testing is excessive, is it not, in your expert opinion?  
8 Please be honest with me, Mr. Peters.

9 A I am really trying to give you an honest answer and  
10 you're asking, you're asking for a yes or no answer and --

11 Q All right. Let me make it --

12 A -- it's very difficult.

13 Q Let me make it easier for you. In the main,  
14 generally speaking, there's a difference between testing and  
15 operating a paging system, is there not? It's a different  
16 question so don't be confused.

17 A Okay. There is a difference between testing and  
18 operating. The two are not necessarily mutually exclusive  
19 but, yes, they are.

20 Q For God's sake.

21 A No. I'm -- Mr. Joyce, I'm really trying to answer  
22 your question and I, and I will --

23 Q Mr. Peters, for the most part if you're tying up a  
24 channel 24 hours a day testing your paging system most  
25 engineers would consider that excessive, would they not?

1 A Anyone would.

2 Q Thank you. So if Capitol in this case were testing  
3 24 hours a day for days at a time that would be considered  
4 excessive in your opinion, would it not?

5 A No, it would not.

6 Q Why not?

7 A You asked me if Capitol tied up a channel 24 hours a  
8 day if that would be --

9 Q No, sir.

10 A -- testing -- the previous question was tying up the  
11 channel 24 hours a day.

12 Q No, sir. I will repeat my question and you can  
13 qualify your answer if you wish.

14 A Okay.

15 Q You're previous answer -- you said most engineers  
16 would assume that if somebody is testing 24 hours a day for  
17 days on end that would be excessive. Did you not say that?

18 A I did not say that.

19 MR. JOYCE: Could you play back my question and his  
20 answer, please.

21 (Whereupon, a portion of the record was played  
22 back.)

23 JUDGE CHACHKIN: Go ahead, Mr. Joyce.

24 MR. JOYCE: Mr. Peters, try to listen to my  
25 questions and just answer those because you're getting ahead

1 of me or you're hearing things that I'm not saying. All  
2 right?

3 JUDGE CHACHKIN: Go ahead with your questions, Mr.  
4 Joyce.

5 BY MR. JOYCE:

6 Q I want to focus just on testing. Now, I thought we  
7 had established from your testimony -- and I'm not limiting it  
8 to PCP or even to RCC, but let's talk about paging in general.  
9 If a paging operator is doing -- now, I've changed my question  
10 a bit, but if they're doing nothing but testing 24 hours a day  
11 for days on end I believe you've testified that everybody  
12 would consider that excessive. Correct?

13 A No, I did not testify to that, Mr. Joyce.

14 Q All right. I'm sorry. Explain to me then what your  
15 answer is.

16 A If a test takes a finite amount of time, for  
17 example, 10 or 20 seconds at a time, drops off, allows the  
18 channel to be used for whatever duration comes on, comes back  
19 up with a test if the channel is available and does that on a,  
20 on a shared basis, then certainly it's not excessive. It's a  
21 simple test. Now, if you want to find out whether or not they  
22 needed to send that test, that's a different question, but the  
23 tests --

24 Q Let's stop right there.

25 A -- that were run were not excessive.

1           Q     Let's stop right there, Mr. Peters. When you  
2 install a paging system and you've heard Mr. McCallister  
3 testify as to -- let's take that one step at a time. You  
4 heard Mr. McCallister testify to having built Capitol's paging  
5 system? Correct?

6           A     Yes, I did.

7           Q     All right. He put the bay stations up, he put the  
8 control link up and then he tested to see that it worked?  
9 Correct?

10          A     Yes.

11          Q     All right. And I believe he testified that at that  
12 point he could hear a signal and the system worked? Correct?

13          A     That's correct.

14          Q     And the only other thing I heard him testify in  
15 regard to testing now of the -- what's referred to as the RF,  
16 the radio frequency links, the only other testing I heard him  
17 talk about was what you would call field range testing -- you  
18 might have a different term for it -- where people go out in  
19 the field, they carry a beeper with them and they simply want  
20 to see if the darn thing goes off. Correct? Isn't that what  
21 he testified?

22          A     I believe that's right.

23          Q     Okay. The other testing that we heard Capitol's  
24 witnesses testify about was the group call feature? Correct?

25          A     That was one of the things that they testified

1 about, yes.

2 Q Correct. And a group call test operates by taking  
3 the number of pagers you want to go off in a group sequence,  
4 putting them in front of you and then dialing up the pagers  
5 and seeing if they go off? Correct?

6 A I heard your questions in that respect and I believe  
7 that's right.

8 Q Okay. That seemed okay to you, I presume?

9 A Yes.

10 Q Correct?

11 A Yes.

12 Q Okay. So now we've established that Capitol's  
13 paging system was built and operating well before the FCC's  
14 engineers visited them which would have been back in,  
15 according to Capitol, in March of 1991, correct, when it was  
16 first built and operated?

17 A Yes.

18 Q Okay. So that they could actually send out a paging  
19 system?

20 A The system was functional, yes. That's correct.

21 Q All right. And we've heard that they were having  
22 some problems with the control link? Correct?

23 A We did hear that, yes.

24 Q But now if the control link isn't working that means  
25 the signal doesn't go out, period? Correct?

1 A It depends on how it's not working, but --

2 Q For the most --

3 A -- that is one, one operational aspect of it that,  
4 yes, can exist.

5 Q For the most part the system doesn't work --

6 A Yes.

7 Q -- properly? So it's not as if -- if the control  
8 link is down, it's not as if Capitol could have tied up the  
9 channel when the control link is down? Quite the opposite,  
10 they simply wouldn't have been able to get, for the most part,  
11 pages out at all? Correct?

12 A Yes. I think that's safe.

13 Q Okay. Now, did you hear anything else in the past  
14 week that I missed that needed testing, just so we -- we've  
15 established what the range of testing is in this case?

16 A That needed testing?

17 Q Yes.

18 A There's a whole world of things that weren't tested.

19 Q No, no, no, no. I want to focus -- bear in mind  
20 that there's an allegation in this case of excessive testing,  
21 okay?

22 A Yes.

23 Q Okay. So I don't want to talk about what's outside  
24 this hearing room at all.

25 A Okay.

1 Q I want to focus on what you and I heard this past  
2 week --

3 A Okay.

4 Q -- that constitutes testing. There's the testing  
5 when you put up the station? Correct? Correct?

6 A Yes.

7 Q There's the testing for a group call feature which  
8 occurs in the terminal? Correct?

9 A Yes.

10 Q And there's testing to see if your control link  
11 works and which is also part of the RF system which is my  
12 understanding was Mr. McCallister's responsibility? Correct?

13 A Okay.

14 Q Anything else?

15 A Yes.

16 Q I don't think you understand my question. Was there  
17 anything else in the testimony, other witnesses, or in your  
18 review of the record that constituted testing?

19 A Yes.

20 Q What was that?

21 A Mr. Walker on the stand indicated that the pages --  
22 and he very carefully described the type of testing that was  
23 being done. It was three two-tone pages repeated, if I'm not  
24 mistaken -- to my recollection. It was repeated about once a  
25 minute and it ran, according to Mr. Walker, he thought it ran



1 | pretty late at night one night, the night that he was testing.

2 |       Q     Okay.

3 |       A     That's a test.

4 |       Q     I follow you, Mr. Peters. Now we're getting  
5 | somewhere. Now, Mr. McCallister didn't need that 24 hour a  
6 | day three-tone sequence to test his RF system, did he?

7 |       A     Could have.

8 |       Q     Now --

9 |       A     Mr. Joyce, I mean, I don't know the answer to that  
10 | question.

11 |       Q     Mr. Peters --

12 |       A     You'll have to ask Mr. McCallister.

13 |       Q     Well, you were sitting here when he was testifying,  
14 | were you not?

15 |       A     Yes.

16 |       Q     All right. And you remember I did ask him that, do  
17 | you not?

18 |       A     No. I'm sorry. I really don't.

19 |       Q     Okay. But I did ask him and he testified that when  
20 | he would test the RF system he would do just like they did  
21 | with the group call feature. He'd have a dummy pager, I  
22 | believe he referred to it. He put it down in front of him and  
23 | he'd see if it goes off. Doesn't that make sense?

24 |       A     That's not my recollection of the, of the -- what  
25 | was -- what happened with Mr. McCallister.